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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Applicants appreciate the courtesy shown by the Examiner in discussing this case with the undersigned on October 9, 2008. The discussions of the interview are reflected in the above amendments and the following remarks.

Claims 8 and 9 have been canceled without prejudice. Claims 1 and 5-7 remain pending in the application. Applicants note that the Office Action Summary Sheet lists claims 1-9, rather than claims 1 and 5-9, as pending.

Claim Rejections – 35 USC § 103

Claims 1 and 6 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. (US 2004/0254465) in view of Buxton et al. (US 6,094,197). Applicants respectfully traverse this rejection.

Claim 1 requires a control device to have a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu. That is, the present control device is configured to perform both a selecting action by locating a cursor on the alternative, and a confirmation action by moving the cursor to a region outside the pop-up menu.

When a medical doctor operates an ultrasonic diagnosis apparatus, he or she usually uses his dominant hand to operate the ultrasonic probe, which requires he use the other hand not only to move the cursor to locate and select an intended button, but also to confirm his selection by clicking on the selected button. This operation process, which includes a sizable number of selecting and confirmation actions, slows the diagnostic process and also adds stress for the doctor (see page 2, lines 2-12 of the specification, among other places). The present control device allows an operation be confirmed with a single action of the cursor. This advantageously provides a simpler and calmer operation of the ultrasonic diagnosis apparatus and in turn makes the diagnostic process more efficient and less stressful for the doctor.

Buxton et al. fail to teach or suggest the control device having a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the

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alternative that is selected last is confirmed by moving the cursor to a region outside the pop-up menu, as required by claim 1. Instead, Buxton et al. discuss a displayed image of a sample graphical keyboard, where tapping on any of the keys with a pen has the same effect as pushing the analogous key on a mechanical keyboard (see Buxton et al., col. 4, lines 50-55). Specifically, in Buxton et al., to enter a lowercase character, a digit, or another unmodified character such as a period or comma, the user simply taps the desired key (see Buxton et al., col. 4, lines 56-58). To enter a modified character, e.g., to enter an uppercase character, rather than tapping, the user makes different kinds of pen strokes on the desired key (Buxton et al., col. 4, lines 59-60). For example, as illustrated in Figs. 3 and 8, Buxton et al. discuss 1) bringing the pen into contact with the key of the character, i.e., "a," to pick the character and 2) moving the pen upward to add additional information, i.e., uppercase (see Buxton et al., 1) and 2) of Fig. 8. and col. 4, lines 61-63). As clearly shown in Fig. 8, moving of the pen upward is not to confirm selection of character "a," rather, it is to add additional information, i.e., uppercase, to the selection of character "a." The input of uppercase "A" is confirmed by a conventional confirmation action, i.e., releasing the pen from the graphical keyboard (sec Buxton et al., 3) of Fig. 8). Therefore, Buxton et al. is completely distinct from the invention of claim 1, which requires an apparatus in which an alternative that is selected last in a pop-up menu be confirmed by moving the cursor to a region outside the pop-up menu.

For at least these reasons, claim 1 is patentable over Sano et al. in view of Buxton et al. Sano et al. do not remedy the deficiencies of Buxton et al. Applicants are not conceding the relevance of the rejection to the remaining features of this claim.

Claim 6 is patentable over Sano et al. in view of Buxton et al. for reasons similar to those discussed above. Claim 6 requires a control device to have a function in which an alternative in a pop-up menu is selected by locating a cursor on the alternative and the alternative that is selected last is confirmed by moving the cursor rightward, leftward, horizontally, upward, downward or vertically in the selected alternative in the pop-up menu. The reference disclosures fail to teach or suggest the control device required by claim 6. For at least these reasons, claim 6 is patentable over Sano et al. in view of

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Buxton et al. Applicants are not conceding the relevance of the rejection to the remaining features of this claim.

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. in view of Alexander (US 6,049,325). Claims 8 and 9 have been canceled without prejudice, rendering the rejection moot. Applicants are not conceding the correctness of the rejection.

Claims 5 and 7 are rejected under 35 USC 103(a) as being unpatentable over Sano et al. in view of Buxton et al. and further in view of Alexander (US 6,049,325).

Applicants respectfully traverse this rejection.

Claims 5 and 7 depend from claims 1 and 6 respectively and are patentable over Sano et al. in view of Buxton et al. and further in view of Alexander for at least the same reasons discussed above regarding claims 1 and 6. Alexander does not remedy the deficiencies of Sano et al. in view of Buxton et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,

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